

JOHN W. HUBER, United States Attorney (#7226)
KENT A. BURGGRAAF, Special Assistant United States Attorney (#13044)
MICHAEL GADD, Special Assistant United States Attorney (#13704)
Attorneys for the United States of America
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Email: kent.burggraaf@usdoj.gov / kburggraaf@agutah.gov

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
SEP 30 2019
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER SEAN KENNY,

Defendant.

Case No. 219mj670 PMW

SEALED COMPLAINT

COUNT 1: Conspiracy to Distribute Fentanyl

Judge Paul M. Warner

SEALED

Before the Honorable Paul M. Warner, United States Magistrate Court Judge for the
District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1
21 U.S.C. 846 and 841(a)(1)
(Conspiracy to Distribute Fentanyl)

Beginning on a date unknown, but not later than February 2016, and continuing through at least
November 22, 2016, in the Central Division of the District of Utah,

CHRISTOPHER SEAN KENNY,

the defendant herein, did knowingly and intentionally combine, conspire, confederate, and agree
with others known and unknown to distribute four hundred grams or more of a mixture or

substance containing a detectable amount of Fentanyl (N-phenyl-N- [1-(2-phenylethyl)-4-piperidinyl] propanamide), a Schedule II controlled substance within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. 841(a)(1) and 846, and punishable pursuant to 21 U.S.C. 841(b)(1)(A).

This complaint is made on the basis of investigation consisting of the following:

1. The DEA Metro Narcotics Task Force, in conjunction with IRS-Criminal Investigations and several other investigating agencies, began investigating the defendant, Christopher KENNY, and his co-conspirators in October 2015. During the investigation of this DTO, a redistributor of pills directly below KENNY was identified and became a cooperating defendant (CD1). CD1 has been incarcerated for his role in distributing Fentanyl and alprazolam tablets sourced by KENNY. CD1 is cooperating with the government and gave DEA agents candid information about KENNY and his illegal distribution of controlled substances.

2. CD1 explained that CD1 had been selling pills since CD1 was in high school; CD1 said the pills were difficult to come by back then. CD1 explained that in 2016 that predicament changed when he and his partner, Cameron WALDRON, started purchasing Fentanyl and alprazolam tablets from KENNY for re-distribution. CD1 stated he and WALDRON met KENNY at his gym, where KENNY became WALDRON's and CD1's personal trainer. CD1 stated WALDRON mostly dealt with KENNY, but CD1 would often step in to pick up pills from KENNY or deliver drug proceeds to KENNY when WALDRON was out of town dealing with his marijuana business.

3. CD1 recalled a time when he met with KENNY to buy a large quantity of pills. CD1 stated he was with KENNY for about a half an hour while they were waiting for KENNY's

source of supply to bring him pills to sell to CD1. CD1 stated KENNY asked him to leave in his car for a few minutes while KENNY's supplier came to re-up KENNY's supply of pills. CD1 said he saw an individual pull up to KENNY's house in a truck. CD1 stated he saw the male walk up to KENNY's home with a box in hand, then leave the location. CD1 stated he then drove back to KENNY's residence, shortly after, and KENNY handed him a box with 10,000 Fentanyl-laced fake oxycodone pills and 10,000 pressed alprazolam tablets. CD1 stated that there was a shipping label left on the box that KENNY handed him that contained the 20,000 pills. This shipping label was addressed to Aaron SHAMO at a Cottonwood Heights, Utah address.

4. It should be noted that SHAMO was arrested at his home in Cottonwood Heights, Utah, on November 22, 2016. Other agents and I seized pill presses in SHAMO's basement, which were set up to press counterfeit alprazolam tablets and Fentanyl-laced fake oxycodone pills. During November 2016, agents seized more than 120,000 Fentanyl-laced fake oxycodone pills from SHAMO's organization. Those pills were tested by the DEA laboratory and found to contain Fentanyl. DEA chemists determined that each Fentanyl-laced fake oxycodone pill weighed just over 100 mg.

5. CD1 also recalled a milestone reached in June 2016. CD1 stated there was a day WALDRON took him shopping to celebrate with him. At this time CD1 stated WALDRON was told by KENNY that the pair of them had sold 200,000 Fentanyl pills sourced by KENNY and that KENNY gave them a bonus package of Fentanyl pills at no cost. CD1 estimated that between the 200,000-pill milestone and the time SHAMO was arrested in November 2016, he and WALDRON sold an additional 200,000 Fentanyl pills provided by KENNY. At a weight of 100 mg per pill, the

total weight of 400,000 pills would equal 40 kilograms of a mixture of substance containing Fentanyl.

6. CD1 stated he and WALDRON would pick up a quantity somewhere between 5,000 to 10,000 Fentanyl pills at a time, from KENNY once a week—and sometimes more frequently. CD1 stated the frequency at which they purchased depended on their cash flow and that KENNY required them to pay in large lump sums. CD1 explained that the pills were fronted by SHAMO to KENNY, so when WALDRON would pay KENNY, KENNY would then pay SHAMO for the pills provided. CD1 stated he also delivered payments to KENNY and recalled a time when he gave KENNY nearly \$50,000 in cash for pills. CD1 stated he would deliver money to KENNY at the gym and recalled another time he took nearly the same amount (\$50,000) to KENNY's home for pills. CD1 stated KENNY would say he made ten percent profit for the pills he sold them, although CD1 believed he made more.

7. CD1 stated he was caught in possession of 236 Fentanyl pills and roughly eleven thousand dollars in cash by Utah Highway Patrol in July 2016. Those seized Fentanyl pills, CD1 explained, were sourced by KENNY. CD1's arrest and the seizure of the Fentanyl pills were verified through police reports. The pills were tested and determined to contain Fentanyl.

8. CD1 told of another instance where KENNY gave WALDRON bonus pills. CD1 stated WALDRON made a deal with KENNY that he and CD1 were to be exclusive distributors of the pressed pills in the Salt Lake Valley; it was CD1's understanding that SHAMO would sell the remainder on the dark web. CD1 said he found out another individual in the Salt Lake Valley was purchasing SHAMO's pills on the dark web for cheaper than WALDRON and CD1 were getting them from KENNY; that dark web customer was selling the Fentanyl pills in the Salt Lake

area. CD1 said he knew those pills were coming from Salt Lake because he saw the postage [i.e. parcel] had a return address in Salt Lake. CD1 said he told WALDRON about this discovery and WALDRON confronted KENNY about their agreement to be exclusive dealers in Salt Lake. CD1 stated KENNY told them SHAMO would stop selling in Utah and gave WALDRON and CD1 a bonus of more pills and forgave some of their drug debt.

9. CD1 explained that when he first started obtaining fake oxycodone pills he thought they were real oxycodone pills—they were advertised as such. CD1 stated it wasn't until a few months of selling these pills that a friend told him they contained Fentanyl. CD1 said he then researched what Fentanyl was and asked WALDRON if that was what the pills contained. CD1 said WALDRON told him not to talk about it. Later on, KENNY started asking for feedback from CD1 and WALDRON's customers on the pills and asked them to get him genuine pharmaceutical oxycodone pills to compare with what they were pressing. CD1 explained that once KENNY became comfortable with him, KENNY told him that, early on, they had a batch of Fentanyl pills that were too strong and a customer overdosed on his pills. CD1 said WALDRON and KENNY bought back those potent pills as fast as they could, but could not get them all back, leaving hundreds of deadly pills in the community.

10. When Aaron SHAMO was arrested, his cell phone from his person was seized and a search warrant was obtained to access the information in the phone. In the notes section of his phone, SHAMO had written, "Chris owes 95k 10/27." Chris KENNY is the only Chris identified in SHAMO's organization. In the notes section on another of SHAMO's seized cell phones, agents also found feedback sent to SHAMO from KENNY about the pills stating:

Ok so these are the best so far. They smoke perfect and they snort and slide. The color being speckled won't fly so that needs to be fixed but you already knew that. My boy smoked 2 in a row and barely got high so a bit stronger is gonna be a must bro. But all in all these are fucking close to being money in the bank man! You did it bro.

This note had a created and modified date in February 2016.

11. During Aaron SHAMO's trial as the leader of his criminal enterprise, SHAMO's close associate, Jonathan Luke PAZ, gave testimony to his and others' involvement in distributing counterfeit pills. PAZ testified under oath in federal court that he took part in manufacturing Fentanyl pills and knew largely about SHAMO's pill pressing and distributing operation because of their close friendship and working relationship. PAZ also admitted he would, at times, run the pill press to produce counterfeit alprazolam tablets.

12. PAZ stated that most of the pills they manufactured were sold and shipped to customers on the dark web by SHAMO, but he was also aware of their pills being sold hand to hand in Utah. PAZ stated there was a local guy SHAMO had been dealing with early on, to whom SHAMO sold Alprazolam tablets. PAZ identified this person as "Chris"; PAZ identified a picture of the defendant, Christopher KENNY, as the "Chris" who was distributing the alprazolam tablets for SHAMO.

13. PAZ explained that he was present with SHAMO when SHAMO would deliver pills to KENNY at both KENNY's house and KENNY's gym. PAZ testified that he was present during these deliveries between seven to ten times. PAZ testified that each delivery would contain 1,000 to 2,000 alprazolam tablets at a time in the beginning; eventually it was a higher quantity.

14. During PAZ's testimony, notes were shown to PAZ that were extracted from SHAMO's phone. One of the previously mentioned notes was:

Ok so these are the best so far. They smoke perfect and they snort and slide. The color being speckled won't fly so that needs to be fixed but you already knew that. My boy smoked 2 in a row and barely got high so a bit stronger is gonna be a must bro. But all in all these are fucking close to being money in the bank man! You did it bro.

PAZ testified that this feedback was given by KENNY and PAZ clarified that KENNY was referencing the pressed Fentanyl pills in this note. PAZ then explained that he and SHAMO eventually transitioned to pressing Fentanyl-laced fake oxycodone in addition to the counterfeit Alprazolam tablets.

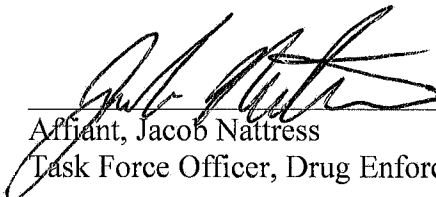
15. PAZ testified that the idea to press Fentanyl pills in addition to the alprazolam tablets was KENNY's idea and suggestion. KENNY already had a different source of supply for the Fentanyl-laced fake oxycodone, but wanted to get them at a better price. PAZ stated KENNY told SHAMO if he could figure out how to make the Fentanyl pills, there would be a lot of money to be made. PAZ stated KENNY had the most knowledge on the Fentanyl pills, because he had already been dealing them. PAZ stated KENNY kept pushing SHAMO to press fake oxycodone pills, because they could make a lot more money than with the counterfeit alprazolam tablets.

16. PAZ stated he and SHAMO initially started making the fake oxycodone pills the same way they made the alprazolam tablets. They would use a pre-mixed filler and add the active ingredient—Fentanyl—and some blue powder dye to make the pills blue. PAZ stated they made a few batches and would then give the pills to KENNY to sell. PAZ stated KENNY would then get feedback from his customers about the pills. PAZ stated they would tweak the formulation based off of that feedback to improve the pills throughout the process. PAZ stated KENNY was the only person SHAMO would sell pills to face-to-face in order to avoid detection. PAZ stated SHAMO would sell KENNY 1,000 to 2,000 of the Fentanyl-laced fake oxycodone every two weeks to a

month in the beginning of production. PAZ stated they were only making a few thousand a month in the beginning, but by the end (November 2016) they were making up to 70,000 Fentanyl pills per week when they were at full strength and using a better/faster pill press. PAZ stated at one point KENNY notified him and SHAMO that one of his customers possibly overdosed and died off of the Fentanyl pills. Later, KENNY told them that their pills were found not to be the cause of death. PAZ testified that he and SHAMO wanted to stop pill production because of this death scare, but KENNY called SHAMO and convinced him to continue, because KENNY had big plans.

17. PAZ was shown an exhibit in court of pay/owe sheets that were seized during the investigation from Paz's computer. PAZ testified that one of the ledgers showed on May 10th (2016) that 15,000 Fentanyl pills were sent to KENNY. Another entry on the ledger showed another 15,000 Fentanyl pills were delivered to KENNY on June 7th.

Based on the foregoing information, your affiant respectfully requests that a warrant of arrest be issued for CHRISTOPHER SEAN KENNY for a violation of 21 U.S.C 841(a)(1) and 846.

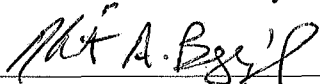

 Affiant, Jacob Nattress
 Task Force Officer, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me this th 30 day of September, 2019.


 PAUL M. WARNER
 United States Chief Magistrate Judge

APPROVED:

JOHN W. HUBER
United States Attorney



KENT A. BURGGRAAF
Special Assistant United States Attorney